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Government
Publications



Ontario

How to Appeal to the Social Assistance Review Board



General Welfare Assistance

Family Benefits

Vocational Rehabilitation Services

Co-payment under the

Health Insurance Act

INTRODUCTION

If a municipal or the provincial government makes a decision about your social assistance with which you do not agree, you have the right to appeal to the Social Assistance Review Board.

WHAT IS THE SOCIAL ASSISTANCE REVIEW BOARD?

The Social Assistance Review Board is an independent group of people appointed to review the decisions of General Welfare administrators and Family Benefits directors.

WHAT CAN I APPEAL?

You can appeal the refusal to grant a benefit, the suspension or cancellation of a benefit, the reduction of a benefit, or the amount of benefit under the following Acts: the *Family Benefits Act*, the *General Welfare Assistance Act*, and the *Vocational Rehabilitation Services Act*. You cannot appeal items of special assistance or supplementary assistance under the *General Welfare Assistance Act*, and allowances granted under Order-in-Council under the *Family Benefits Act* are not appealable to the Social Assistance Review Board.

HOW DO I APPEAL?

Request a hearing by the Social Assistance Review Board, using Form 1. These are available from municipal and provincial social services offices, or you may telephone or write to the Board:

Social Assistance Review Board

Room M1-56

Queen's Park

Toronto, Ontario

M7A 1E9

Telephone: (416) 965-2363

Toll-free outside Toronto: 1-800-387-5655

You must send the Notice of Request for Hearing (Form 1) to the Board within 30 days of receiving the decision of the provincial director or of the municipal administrator.

AM I ENTITLED TO BENEFITS WHILE I APPEAL?

There is no automatic entitlement to benefits but you may request temporary financial assistance while waiting for a hearing if you can satisfy the Board that there will be hardship. You must ask for this on your Form 1 when you submit it to the Social Assistance Review Board or you may telephone the Board to make your request.

ENGLISH OR FRENCH?

The Social Assistance Review Board hearings are held either in English or French: it is your choice.

If English or French is not your first language and you feel you will need the help of an interpreter at the hearing, you may ask the Social Assistance Review Board to provide an interpreter or you can bring your own interpreter. This may be a friend or relative.

The general manager of the Board must be notified of your language preference as soon as possible, preferably on your Notice of Request for Hearing (Form 1).

PREPARATION FOR THE HEARING

Upon receipt of your Form 1 the Board will immediately send an acknowledgement letter. This will be followed within four (4) weeks by a Notice of Hearing which will tell you where the hearing will be held, the date and the time.

The Board will also notify the municipal or provincial social services administrator/director of your appeal and request a report explaining his/her decision.

Please note that if a written report is submitted to the Board you will receive a copy. The report is for your use at your appeal hearing only, and you will be given an opportunity to comment on it at that time.

It is your responsibility to make your case before the Board. If you do not attend or send somebody to represent you, your side of the case will not be held and you will likely lose your appeal.

DOCUMENTS

If you want the Board members to look at a medical report or any other document about your case, be sure to bring it with you to the hearing. The Board is an independent appeal body and *does not* have your family benefits file or any municipal welfare file. Remember, the Board members do not see the reports you may have already sent to the province or municipality.

WITNESSES

If you believe that a witness or witnesses will help your appeal, you should ask them to attend. If you bring a friend or a relative along for support, they too are welcome.

LEGAL HELP

You may obtain legal help to prepare your case and to assist you at the hearing. Legal assistance is often available at social action centres, community legal clinics, welfare advocacy groups and law school “storefront” offices; or you may be eligible for Legal Aid. Your local office is listed in the phone book under Legal Aid.

WHERE WILL THE HEARING BE HELD?

The Board holds hearings across the province and, if necessary, in the home of the person asking for the hearing.

NOTE:

If special travelling expenses are necessary, you may apply to the Board for reimbursement.

WHAT HAPPENS AT THE HEARING?

Your hearing will be convened by the presiding Board member who will chair the hearing and who will usually be assisted by one or two members of the Board.

The hearing is not open to the general public so that your privacy is protected.

The Board members will review your Notice of Request for Hearing (Form 1) and the report of the municipal social services administrator or the provincial director. You will have the opportunity to present your case. The Board members will ask questions in order to clarify the information set before them by either yourself or the municipal administrator/provincial director.

WHAT HAPPENS AFTER THE HEARING?

The Board's decision will be made after the hearing. A written Notice of Decision will be mailed to you after the hearing. You will get one copy; the provincial director or the municipal administrator of social services also receives a copy.

FURTHER ACTION AFTER RECEIVING YOUR DECISION FROM THE BOARD

You may:

1. Ask for reconsideration by completing a Form 2 (Notice of Application and Variation) and sending it to the Board within 30 days of the date you receive the Delivery Notice, which is attached to the Notice of Decision.
2. Serve notice within 30 days of receiving the Board's decision that you are taking the matter to the Divisional Court of the Supreme Court of Ontario.

It would be advisable to have a lawyer assist you in taking this step.

Any decision of the Social Assistance Review Board is appealable to the Divisional Court of the Supreme Court of Ontario.

The information in this pamphlet is in summary form for guidance and convenience. It cannot serve as final interpretation of legislation.

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Toll-free outside Toronto: 1-800-387-5655

Ce dépliant est également disponible en français.

For details about social assistance programs, contact the nearest office of the Ontario Ministry of Community and Social Services. Ask for a copy of the booklet **Income Maintenance Handbook**. (See government listings in your telephone book — usually in the blue pages at the back of the directory.)

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